

Appl. No.: 09/890,295
Response dated March 16, 2004
Reply to Office action of December 16, 2003

Remarks

Favorable consideration and allowance of the instant application is respectfully requested in view of the foregoing amendments to the claims, and the remarks which follow.

Claims 14-16 and 18-21 are currently pending in this application.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 10-12 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ikenaga et al. (US 4,274,986). This rejection is respectfully traversed for the following reasons.

Claims 10-12 and 17 have been cancelled. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 14 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Browning (US 2,678,285). This rejection is respectfully traversed for the following reasons.

Initially, Applicant would like to note that it is very well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, *In re Levy*, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990). Applicant respectfully submits that the '285 reference fails to anticipate the present invention on the grounds that it fails to disclose each and every element thereof.

In example 1 of the '285 reference, there is a reference to a 5% aqueous emulsion containing triethanolamine stearate and polythene. It is unclear to Applicant, however, what significance this teaching has within the example. More particularly, in all of the other examples contained in the reference, a film is passed through a bath containing a surfactant and water. The same is true for the first part of example 1. However, in example 1, this disclosure mysteriously appears relating to an emulsion containing a

Appl. No.: 09/890,295
Response dated March 16, 2004
Reply to Office action of December 16, 2003

triethanolamine ester and polythene. It is not clear, however, whether the film treated in the first bath is then passed through this emulsion, or whether it is passed through the emulsion instead of the first bath, or what. Nowhere else within the reference is there any disclosure, whatsoever, concerning the use of an aqueous emulsion containing a triethanolamine ester and polythene. Thus, its relevance within this reference is a complete mystery to Applicant.

Nevertheless, whereas claim 14 requires that its alkanolamine ester be employed in an amount of from about 0.5 to 5 parts by weight, based on the weight of the polymer, the '285 reference contains no such disclosure. Consequently, for this reason alone, the '285 reference should not be held to anticipate the invention embodied in claim 14. However, based on the lack of clarity associated with teaching contained in example 1 concerning the use of a triethanolamine ester and polythene, Applicant further submits that this teaching should not be relied upon for a finding of anticipation.

As for claim 17, it has been cancelled.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Applicant would also like to note that with respect to the new claims submitted herewith, neither the '285 reference nor the '986 reference anticipates the subject matter contained in those claims. More particularly, with respect to the '285 reference, the shortcomings associated with its teaching are as outlined above. As for the '986 reference, it fails to contain any disclosure regarding the use of fatty acid alkanolamine esters, in general.

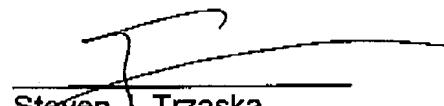
Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Appl. No.: 09/890,295
Response dated March 16, 2004
Reply to Office action of December 16, 2003

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,


Steven J. Trzaska.
(Reg. No. 36,296)
Attorney For Applicant(s)
215-628-1416

Cognis Corporation
Patent Department
300 Brookside Avenue
Ambler, PA 19002

SJT/mc G:\NDATA\TRZASKA\H3891am.doc

Page 11 of 11